

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

LISA GRENNAN,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Civil Action No. 4:21-cv-00645-O-BP

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court are Plaintiff's Counsel's Motion and Brief for Attorney Fees Under the Equal Access to Justice Act filed August 30, 2022, the Commissioner's Response filed September 7, 2022, and Plaintiff's Reply filed September 15, 2022. ECF Nos. 27, 29, and 30, respectively. The Court set the Motion for a hearing on October 26, 2022. ECF No. 31. Prior to the hearing, the parties agreed on an appropriate attorney fee in this matter and submitted the proposed Agreed Order attached as Exhibit A. After reviewing the Motion, Response, Reply, proposed Agreed Order, and applicable legal authorities, the undersigned **RECOMMENDS** that Judge O'Connor **GRANT** the Motion as modified by the Agreed Order.

The Court finds that Plaintiff, Lisa Grennan, was the prevailing party in this case. The Court further finds, pursuant to 28 U.S.C. § 2412(d)(2)(A), that the appropriate hourly rate at which to award fees in this case is \$212.63 per hour for service performed in 2021 and \$227.25 for service performed in 2022. The Court further finds that Plaintiff is entitled to attorney fees for compensation for service performed in 2021 and 2022 in the total amount of \$9,045.53 as agreed to by the parties.

Accordingly, the undersigned **RECOMMENDS** that Defendant be **ORDERED** to pay Plaintiff Lisa Grennan, in care of Karl E. Osterhout, an attorney, attorney fees under the Equal Access to Justice Act in the total amount of \$9,045.53 as agreed to by the parties for service performed in 2021 at the hourly rate of \$212.63 and for service performed in 2022 at the hourly rate of \$227.25.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED on October 31, 2022.



Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

LISA GRENNAN

Plaintiff,

vs.

Case No. 4:21-CV-00645-O-BP

**KILOLO KIJAKAZI
ACTING COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,**

Defendant,

AGREED ORDER

The Court, having recognized that the Plaintiff may request payment of an attorney fee under the provisions of the Equal Access to Justice Act (28 U.S.C. Section 2412) and the parties having conferred and having agreed that the amount of \$9,045.53 represents reasonable compensation under the circumstances, it is hereby ORDERED that the Defendant shall pay an attorney fee of \$9,045.53 under the Equal Access to Justice Act. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the Court should award payment of fees to the Plaintiff in care of his attorney. SO ORDERED.

HAL R. RAY, JR.
United States Magistrate Judge

EXHIBIT A

Agreed as to form and substance:

s/Karl E. Osterhout

KARL E. OSTERHOUT (PA # 49658)

Attorney for Plaintiff

Osterhout Berger Disability Law, LLC

521 Cedar Way, Suite 200

Oakmont, PA 15139

412-794-8503

412-794-8050 (facsimile)

karl@mydisabilityattorney.com

CHAD E. MEACHUM

United States Attorney

WILLY M. LE

Associate General Counsel

Office of Program Litigation

/s/ Simone Pereira Cain

SIMONE PEREIRA CAIN

(GA # 572053)

Special Assistant U.S. Attorney

Attorney-in-Charge

Social Security Administration

Office of the General Counsel

6401 Security Boulevard

Baltimore, MD 21235

(214) 767-4096

Simone.Cain@ssa.gov

EXHIBIT A